



Board of Directors Meeting

Thursday, May 19, 2022

5:00 p.m.

MINUTES

Directors in Attendance

Chair Kelly Long
Vice Chair McFadden (left at 6:49pm)
Director Kimball
Director Meneghin
Director Pace
Director Villaseñor

Staff in Attendance

Executive Director Anthony Emmert
Legal Counsel Alexander Lemieux
Legal Counsel Steve O'Neill
Clerk of the Board Eva Ibarra

Public in Attendance

Dan Detmer, UWCD
Eric Elliott, UWCD
Carole Fornoff
Burt Handy
Zachary Hanson, UWCD
Kathleen Kuepper, UWCD
Tony Morgan, DBS&A
Daryl Smith, UWCD
James Thurber
Steve Zimmer, Five Point

1. Call to Order 5:00pm

McFadden called the Board Meeting to order at 5:00 p.m.

1A Pledge of Allegiance

Director McFadden led everyone in reciting the Pledge of Allegiance.

1B Directors Roll Call

The clerk called roll. All six Directors were present (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor).

1C Public Comments

Chair Long asked if there were any public comments. None were offered.

1D Approval of Agenda

Motion

Chair Long asked if there were any changes to the agenda. She then said there was a request to move item 4B up on the agenda to follow after 1D.

Motion to approve change to agenda sequence as requested, Director McFadden; Second, Director Villaseñor. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

4B Development of Well Permitting Review Process in Compliance with California Executive Order N-7-22

Motion

The Board received a presentation from legal counsel, Daniel B. Stephens and Associates, and staff regarding the development of the Agency's Well Permitting Review Process and provided comments and direction.

Participant chat: "Carole Fornoff from public asked if the CEQA obligation lies with SGMA, the County, the GSA or landowner?" Legal Counsel Steven O'Neill replied, it would be the agency approving the project that would be subject to the CEQA challenge, as the landowner will be applying to the agency for a well permit that will then likely be subject to CEQA review, if there was a discretionary act involved in issuing or considering the permit.

DBS&A Consultant Tony Morgan asked if CEQA was determined to be needed, will the cost fall to the permittee asking for the permit? Mr. O'Neill stated that he does not know the County's procedure, but the permit applicants are usually required to pay for that action.

Director Kimball asked what could happen if the County of Ventura's well permitting process is found subject to CEQA, therefore any new well request would result in a CEQA process paid for by the landowner of the well? Mr. O'Neill stated that he is not familiar with the County's processes for this and mentioned he has seen the cost go to the applicant or developer. Director Kimball said the question is whether it will have to go through a CEQA process, which could take months or even years, as well as tens and thousands of dollars at a minimum.

Director Meneghin said one alternative would be to use a programmatic approach to the CEQA requirement for the program at the County and therefore the GSA can limit the burden on the applicants, and that will require coordination with the County of Ventura.

Director Long stated that it is her understanding that when the County of Ventura offers these programs, the fees cover the service and are not funded by the County's general fund.

Mr. O'Neill thanked Mr. Morgan for his assistance, as he brought the information forward on this case for consideration.

Director Meneghin mentioned that there is going to be legislation and a law forum in June in coordination with the Groundwater Resources Associations GSA summit, where Assemblymember Bennett is also going to be talking about AB 2201. The Agency will then be able to see if AB 2201 will be suspended or if it will move forward into 2023 or later. Mr. Emmert said it may be a wise idea for Assemblymember Bennett to wait and see how the Executive Order plays out, as it may be useful to edit the legislation. Director Long said it is a good suggestion for staff to write a letter to Assemblymember Bennett and state what we want him to look at that would be advantageous to the GSA. Mr. Emmert agreed. Director Kimball said he would support and felt strongly about writing a letter to Assemblymember Bennett. Director Long, Director Kimball, Director Meneghin and Mr. Emmert continued their discussion on this issue. Director McFadden also said he supports a letter to Assemblymember Bennett and explained his view on the subject.

Participant chat, “Carole Fornoff from the public asked if the legislation includes repairs on existing wells.” She stated that she wondered if the Board would address repairs and maintenance and standard operating procedures in the letter to Assemblymember Bennett and agreed with Director Kimball’s discussion points. Director Long asked Mr. Morgan if he had a response to the modification to a well question? Mr. Morgan said there is no permit required for putting a new pump or motor in your well, however, if you are going to drill a new well, you do fall into the category of permitting, but he does not believe maintenance requires a permit. Mr. O’Neill also said he agrees with Mr. Morgan and feels they need to clarify alterations.

Mr. Morgan presented a well permit review flow chart and explained how various situations could be handled by the Agency, using the flow chart.

Director Kimball said he really liked the chart and found it helpful. Director Long also thanked Mr. Morgan for the chart. Director Villaseñor concurred with the others and asked if the County is also using the same criteria that the agency is using and if not, why not? Director Meneghin said she thinks the criteria that Director Villaseñor mentioned, the Agency would have to look at the closeness to other wells and the groundwater eco-systems and if those were impacted by a new well as a criteria. Mr. Morgan stated the GDE’s are included in the flow chart.

Mr. Emmert said he would like to recap the actions from this discussion as Executive Order N-7-22 is applicable today and that staff will incorporate the comments received from the Board and stakeholders into an updated flow chart and will report back to the Board at a future meeting. The second action will be for staff to draft a comment letter to Assemblymember Bennett on AB 2201 for Board consideration at the June 2022 Board meeting.

He also mentioned that the Agency just received a well permit application from the County for a proposed well drilling in one of the Agency’s basins. He stated that United Water Conservation District staff provided the well permit applicant with the Executive Order N-7-22 and requested information by which the Agency could review the application. Mr. Emmert said that he will bring back more information on the well permit review request.

Director Kimball asked what is the term of the Executive Order? Mr. Morgan said it expires when the drought is over. Mr. O'Neill also said it is contingent with the state of emergency. Mr. O'Neill said he will get back to the Board with additional details of the Executive Order.

Motion for staff to incorporate comments into the flowchart and bring back for Board consideration, and for staff to prepare a letter to Assemblymember Bennett regarding AB 2201 for Board consideration, Director Kimball; Second, Director McFadden. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

2. UPDATES

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Director Kimball stated the Fillmore Basin Pumpers Association Board of Directors had their monthly meeting on May 10, and will have their annual meeting on June 14 at 9:00am, via Zoom. He explained that at this meeting they will conduct their legally required business and hopes to get updates from Mr. Emmert on the GSA and have also asked Bryan Bondy, the association's consultant to provide an update on other GSAs that he is involved with. Director Kimball also said he would like to get an update from United on their climate cycles study.

Piru Pumpers Association Stakeholder Director Update

Director Pace said the Piru Pumpers reiterated the update from the Fillmore Pumpers with the only difference being that the Piru association is working on a replacement for his seat, which should take place in July.

Environmental Stakeholder Director Update

Director Meneghin reported the Friends of the Santa Clara River met on May 12 and commented before the Los Angeles Regional Water Control Board on the Valencia Water Reclamation Plant, during the hearing on the plant's National Pollutant Elimination System (NPDES) permit and explained the discussion from the hearing. She also mentioned she has registered to attend GSA Summit event in Sacramento in June and is looking forward to attending.

City of Fillmore Member Director Update

Director Villaseñor provided an update from the last City Council meeting, reporting that the City of Fillmore is building homes at the Bridges project, and the City will review and approve the Northeast project. She also mentioned that staff is growing and the City will soon hire a Senior Planner.

United Water Conservation District Member Director Update

Director McFadden had nothing to report.

County of Ventura Member Director Update

Chair Long thanked both Director McFadden and Director Pace for all their hard work and dedication to the Agency. She also mentioned the Santa Clara Watershed Committee met today, hosted by United Water. She also mentioned Governor Newsom has now delivered \$47.1 billion dollars in climate commitment. She stated that Lynn Rodriguez, with the Watersheds Coalition of Ventura County, sent out an email regarding Proposition 1, Round 2 of integrated water management grants, and disadvantaged community grants. She said the Agency should be looking at those and other available grants. She also shared other discussions from that meeting. On May 10, the Board of Supervisors had a meeting that included a presentation on water supply for Ventura County, in response to the drought.

2B Executive Director Update

Information Item

The Executive Director provided an update and stated the Agency has submitted grant progress report and invoice 12 to DWR. He also mentioned that DWR received comments on the Agency's submitted GSPs that were from California Department of Fish and Wildlife, National Marine Fish Services, and a coalition of environmental and disadvantaged community advocates. He stated that DWR will review these comment letters as part of its review process. Mr. Emmert also mentioned the GSA is planning a gathering at El Pescador in Fillmore for the Board and staff on June 3 at 5pm to celebrate the adoption of the GSPs and Director McFadden's retirement.

2C Legal Counsel Update

Information Item

Legal Counsel reported working on a presentation to be shared today, the execution of a couple of resolutions, and review and execution of an amendment to the DBS&A agreement for GSP implementation. He also mentioned as a result of the events in the Ukraine, the Agency has to comply with reporting if there are any Russian entities in any of our contracts.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan provided a short presentation to the Board of Directors. Director Meneghin said she would support that we add a discussion for projects in our upcoming agendas. She mentioned the disadvantaged community grant they received for funding for upstream arundo removal, and it would be ideal to receive funds for arundo removal in our basin. She also mentioned interest on the construction of shallow wells, with a discussion on how to bring partners in. She also mentioned the Agency needs to submit for grants and try to get some funding while it is available, in an effort to save the pumpers money by taking advantage of these funding opportunities.

Director Kimball said under other projects, he would like to add a project that can evaluate wells that would be most vulnerable to going dry during extended drought periods.

3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)

3A Approval of Minutes

The Board will consider approving the Minutes from the regular Board Meeting of April 21, 2022.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoice

County of Ventura IT Services	\$847.93
Daniel B Stephens	\$23,945.97
UWCD	\$25,358.65

3C Monthly Financial Report

The Board will receive the Agency's monthly profit and loss statement and balance sheet.

3D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board adopted Resolution 2022-06 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

Motion to approve consent calendar, Director McFadden; Second, Director Villaseñor. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

4. MOTION ITEMS

4A Agreement with Brucker Family Trust for Perpetual Easement for East Grove Monitoring Well

Motion

The Board considered approving an agreement with the Brucker Family Trust for a perpetual easement on the Mike Brucker Ranch property, APN 0460250180, located near South Mountain Road, for the construction, maintenance, and operation of the East Grove Monitoring Well. UWCD's Associate Hydrogeologist Eric Elliott stated he would like to have this paid from the June payment cycle. Mr. Emmert stated the Agency has completed an access agreement from the State of California Fish and Wildlife for three other shallow monitoring sites that are ready to go.

Motion to approve agreement with the Brucker Family Trust for Perpetual Easement for East Grove Monitoring Well, Director Meneghin; Second, Director Kimball. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

4C Draft Fiscal Year 2022-2023 Budget and Groundwater Charges

Motion

The Board received an update from staff on the draft Fiscal Year 2022-2023 Budget and provided comments and direction.

Director Long hopes the Agency can continue to keep the rates as the Agency promised to the pumpers as the budget is being reviewed.

Director Meneghin asked with the IRWM program, DWR took about six months to reimburse, is it the same with progress reporting and invoicing with the SGMA program? Mr. Emmert said we have been invoicing on a quarterly basis and payments have been at least six months following invoices submittals.

Motion to receive and file, Director Villaseñor; Second, Director Meneghin. Roll call vote: Five ayes (Kimball, Long, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0/1. Mcfadden unavailable to vote.

4D Special Board Meeting for Budget Adoption and Setting Groundwater Charges

Motion

The Board set a date and time for a Special Board Meeting to adopt the Fiscal Year 2022-2023 Budget and associated groundwater extraction charges for June 2, 2022, at 5pm. via Zoom.

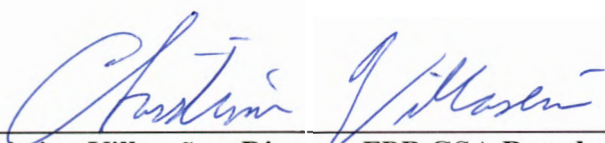
Motion to approve date and time for Special Board Meeting, Director Meneghin: Second, Director Pace. Roll call vote: Five ayes (Kimball, Long, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0/1. Mcfadden unavailable to vote.

FUTURE TOPICS FOR BOARD DISCUSSION

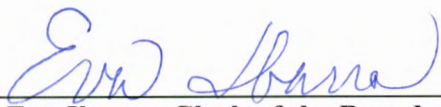
Grants
Budget
Letter to be presented to Assembly Member Bennett

ADJOURNMENT 6:51 p.m.

Director Long adjourned the Board meeting at 6:51 p.m. to the next **Regular Board Meeting** on Thursday, **June 16, 2022**, or call of the Chair.

ATTEST: 
Christina Villaseñor, Director FPB GSA Board of Directors

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors meeting of May 19, 2022.

ATTEST: 
Eva Ibarra, Clerk of the Board